IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 8556 of 1998

Between:

1 Adapa Manikyala Rao, S/o. Venkateswaralu,
2 Chennu Balakrishna, S/o. Ramamohana Rao,
3 Shaik Mahaboob Subhani, W/o. Waheed,
4 Madan Anjaneyulu, S/o. Nagabhushanam,
5 Ch.Mallikarjuna Rao, S/o. Kotaiah,
6 Vasireddy Bhaskara Rao, S/o. Vasireddy Seetharamaiah,
7 Bathula Parameswara Rao, Patha Guntur Vaddera Coop. Labour Contract Society Ltd., Prathipadu Mandal, Guntur District.
8 Kommuri Amma Rao, Ambedkar Harijana Coop.Labour Contract Society Ltd., Old Guntur, Guntur District.
9 Govada Siva Kumar, S/o. Krishna Murthy,
10 M.Sambasiva Rao, S/o. Sesha Rao .... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep.by its Secretary, Transport, Road and Buildings Dept., Secretariat, Hyderabad.
2 The Engineer-in-Chief, Transport, Roads & Buildings Department, Erramanzil, Hyderabad.
3 The Superintending Engineer, Roads & Buildings , Guntur Circle, Guntur District.
4 The Executive Engineer, Roads & Buildings, Narasaraopet, Guntur District.
5 The Executive Engineer, Roads & Buildings, Guntur Division, Guntur District.
6 The Executive Engineer, Roads & Buildings, National Highways, Ongole.
7 The Executive Engineer, Roads & Buildings, National Highways, Nellore.

8 The Executive Engineer, Roads & Buildings, National Highways, Vijayawada.
9 The Executive Engineer, Panchayat Raj, Guntur.
10 The Executive Engineer, Panchayat Raj Division, Narasaraopet, Guntur District.
11 The Executive Engineer, R.W.S., Guntur. .....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring G.O.Ms.No.6, Transport, Roads and Buildings (B.III) Department, dt.12.1.1996 as illegal, arbitrary and irrational and consequently direct the Respondents to restore the old procedure of recovering the seigniorage charges from the bills of the Contractors by the Respondents and their subordinates in accordance with G.O.Ms.No.205, Transport, Roads and Buildings(B.III) Department, dt.8.10.1993.

Counsel for the Petitioner : Mr.G.V.SHIVAJI

Counsel for Respondents : G.P. FOR ROADS & BUILDINGS

The Court made the following :

ORDER:

This writ petition is filed seeking to declare the G.O.Ms.No.6, Transport, Roads & Buildings Department dated 12.1.1996 as illegal, arbitrary and irrational and consequently to direct the respondents to restore the old procedure for recovering the seigniorage charges from the bills of the petitioners-contractors by the R & B Department in accordance with G.O.Ms.No.205 Transport, R & B, dated 8.10.1993.

It is submitted by the learned Special Government Pleader for Taxes and admitted to by the learned counsel for the petitioners that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P.No. 7456 of 1998 and batch, dated 7.10.1998.

In the circumstances, following the common order of this Court in W.P.No. 7456 of 1998 and batch, dated 7.10.1998, this writ petition is dismissed for the same and similar reasons. No costs.

However, it is made clear that the conditions stipulated in G.O.Ms.No.6 dated 12.1.1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12.1.1996, and the works covered prior to that date shall be processed under G.O.Ms.No.205 dated 8.10.1993. If the petitioners had already drawn their bills pending payment of seigniorage fee, they shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioners failed

to comply with the condition, they shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12.1.1996, within a period of six weeks from today.

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N.V.RAMANA, J

Date: 28.4.2005

DA/SVV

To

1 The Secretary, Government of Andhra Pradesh,
Transport, Road and Buildings Dept., Secretariat, Hyderabad.
2 The Engineer-in-Chief, Transport, Roads & Buildings Department,
Erramanzil, Hyderabad.
3 The Superintending Engineer, Roads & Buildings ,
Guntur Cirlce, Guntur District.
4 The Executive Engineer, Roads & Buildings,
Narasaraopet, Guntur District.
5 The Executive Engineer, Roads & Buildings,
Guntur Division, Guntur District.
6 The Executive Engineer, Roads & Buildings, National Highways,
Ongole.
7 The Executive Engineer, Roads & Buildings, National Highways,
Nellore.
8 The Executive Engineer, Roads & Buildings, National Highways,
Vijayawada.
9 The Executive Engineer, Panchayat Raj, Guntur.
10 The Executive Engineer, Panchayat Raj Division,
Narasaraopet, Guntur District.
11 The Executive Engineer, R.W.S., Guntur.

12 Two CCs to the G.P. for R & B, High Court Buildings,
Hyderabad (OUT).

13 Two CD copies.